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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,254	11/22/1999	RAY F. BARNARD	EN999116	8410

7590 01/27/2003

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EXAMINER

GORT, ELAINE L

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/444,254

Applicant(s)

BARNARD ET AL.

Examiner

Elaine Gort

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Double Patenting

1. Applicant's Terminal Disclaimers were received and filed 1/2/03.

Election/Restrictions

2. Applicant's election with traverse of group II in Paper No. 17 is acknowledged. The traversal is on the ground(s) that the invention cannot be practiced "in a person's mind" because it is such a complicated invention. This is not found persuasive because assessment of the database could be carried out manually by paper and pencil and in a person's mind. Even if it is not practical that does not mean that it could not be carried out by these measures.

See also prior office action for further details on the reason the restriction is valid.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gundewar et al. (US Patent 6,381,610) in view of Noori.

Gundewar discloses a system and method for coordinating a project capable of maintaining a database of templates with user terminals accessible via a server (column 2, line 66 to column 3, line 8). Gundewar discloses the claimed program storage device but is silent regarding the presence of a tangible program storage device embodying a program of specific instructions to carry out the disclosed method on the system and is silent regarding accounting. It is notoriously old and well known in the art of computerized systems to use computer code instructions to carry out specific procedures automatically. Code instructions are inherent to computer systems. Noorie discloses (see page 378) that it is old and well known in the art of project management to include accounting in project management to ensure the project is carried out within the budget and to know how much the project costs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use computer code instructions and accounting in the system of Gundewar in order to enable the system to automatically carry out the disclosed method and track the cost of a project.

Gundewar discloses a system capable of carrying out the steps of maintaining a database of templates (templates 310 for "major" project tasks and "smaller" project tasks); analyzing and adapting a legacy application (such as development of computer software); coordinating tasks by teams ("some steps and actions... may require intervention by others..." column 7, lines 20+ and "team members" line 38); defining in the assessing phase a solution (see table A, i.e. define and design); initializing and

modeling a plan in the preparing phase (see table A, i.e. analyze); documenting in the developing phase (see table A, i.e. produce); deploying in the deploying phase (see table A, i.e. produce, optimize, implement and management); providing feedback in the supporting phase (see table A, manage, optimize and implement); and providing user interface templates for designing summary tasks, designing detail tasks and for selecting and creating summary and detailed tasks (project task templates are created and used for designing major and sub tasks).

Response to Arguments

5. Applicant's arguments with respect to claims 24 and 25 have been considered but are moot in view of the new ground(s) of rejection. See details above.

Examiner believes that potential areas of clarification leading to an allowance may exist and Examiner invites Applicant to an in-person interview to identify these potential areas.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG



January 22, 2003


Richard Chiles
Supervisory Patent Examiner
3627